



Andrea Catalina Cruz v. Gerardo Morales

2024 | Cited 0 times | District Court of Appeal of Florida | October 16, 2024

Third District Court of Appeal State of Florida

Opinion filed October 16, 2024 Not final until disposition of timely filed motion for rehearing.

No. 3D23-1560 Lower Tribunal No. 20-15879 -----

Andrea Catalina Cruz, Appellant,

vs.

Gerardo Morales, Appellee.

An Appeal from the Circuit Court for Miami-Dade County, David Young, Judge.

Davis Smith & Jean, LLC, and Laura Davis Smith and Sonja A. Jean, for appellant.

Orshan, Spann & Fernandez-Mesa, and Steven P. Spann, for appellee.

Before EMAS, BOKOR and GOODEN, JJ.

EMAS, J. Appellant Andrea Catalina Cruz appeals from the trial court's order

denying her petition to relocate with her minor child. The trial court held an

evidentiary hearing over the course of four days, and thereafter entered an

order denying the petition for relocation, which properly considered and

analyzed each of the requisite factors enumerated in section 61.13001,

Florida Statutes (2023). "When reviewing an order on a petition to relocate,

an appellate court is limited to an abuse of discretion review based on



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whether the statutory findings made by the trial court are supported by competent, substantial evidence.” Mignott v. Mignott, 337 So. 3d 408, 410 (Fla. 3d DCA 2021). We find the trial court’s order, and its statutory findings, are supported by competent, substantial evidence, and further conclude that no reversible error was committed during the evidentiary hearing. 1

Affirmed.

1 We further note that establishing that relocation is in the best interest of the relocating parent is not the same as establishing that relocation is in the best interest of the child. See, e.g., Coyle v. Coyle, 8 So. 3d 1271, 1272 (Fla. 2d DCA 2009) (noting that trial court erred in focusing on whether the mother’s relocation “ would improve the quality of her life, not necessarily the life of the child”).

